THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.900 of 2007

Date: 11th January 2007

Between:

1. Smt. M.Susmitha Devi, w/o Ravindra Babu,
   aged 24 years, occupation: house wife,
   r/o Venkatarajupalem, Maddipadu Mandal,
   Prakasam District, A.P., and another.

... Petitioners.

And

1. The Government of A.P., represented by
   the District Collector and District Magistrate,
   Prakasam District, Ongole and 2 others.

... Respondents.

* * *

ORDER:

The matter is coming up for admission. Heard Sri Nuthalapati Krishna Murthy, learned counsel representing the writ petitioners and learned Government Pleader for Land Acquisition.

2. The writ petition is filed for a writ of Mandamus declaring action of the second respondent without providing opportunity to the petitioners to submit their objections for acquisition of their land under Section 5-A of the Land Acquisition Act (hereinafter in short referred to as 'the Act' for the purpose of convenience) and issue Form No.III under Section 5-A of the Act, dated 06.01.2007, as arbitrary, illegal and violative of principles of natural justice and

pass such other suitable orders.

3. The main grievance of the writ petitioners is that even before the expiry of time, without giving proper opportunity, the petitioners were called upon to appear on 10.01.2007. It is stated that valuable rights of the petitioners would be affected, inasmuch as no proper opportunity had been given. Several factual details had been narrated in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of the affidavit filed in support of the writ petition.

4. Inasmuch as the main ground raised is that no proper opportunity had been given for submitting objections of the petitioners, the impugned notice is hereby set aside and the respondents are at liberty to issue fresh notice to the petitioners giving them reasonable opportunity to raise necessary objections. It is also stated by the writ petitioners that the writ petitioners require certain documents to file appropriate objections. It is needless to say that the said request also be considered in accordance with law.

5. With the above directions, the writ petition is disposed of. No order as to costs.

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(P.S.NARAYANA, J.)

Date: January 11, 2007.
BSB